

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 3:03CR114
)	
JOSE M. FUENTES,)	
)	
Petitioner.)	

MEMORANDUM OPINION
(Dismissing Action for Failure to Prosecute)


Jose M. Fuentes, proceeding *pro se*, submitted a petition under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. By Memorandum Order entered on May 10, 2017, the Court directed the Government to file a further response to the § 2255 Motion and address some recent cases decided by the United States Court of Appeals for the Fourth Circuit. On May 22, 2017, the United States Post Office returned the May 10, 2017 Memorandum Order mailed to Fuentes marked, “RETURN TO SENDER” and “NOT HERE.” Further communication with the Bureau of Prisons indicated that Fuentes was released on May 3, 2017.

By Memorandum Order entered on May 26, 2017, the Court directed Fuentes, within eleven (11) days of the date of entry thereof, to show good cause why the action should not be dismissed for lack of prosecution. The Court warned that a failure to comply with this Memorandum Order would result in dismissal of the action. Fed. R. Civ. P. 41(b). More than eleven (11) days have elapsed and Fuentes has not contacted

the Court to express an interest in continuing to prosecute the action. Accordingly, the action will be dismissed. A certificate of appealability will be denied.

An appropriate Order shall issue.

Date: June 12, 2017
Richmond, Virginia


_____/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE